

# ***CHAPTER 1.0***

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## ***INTRODUCTION***

# Chapter 1 Introduction

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## 1.1 TYPE OF ENVIRONMENTAL REVIEW

This Draft Supplemental Environmental Impact Report (Draft Supplemental EIR) to the previously prepared and certified Shingle Springs Interchange Project Final Environmental Impact Report/Environmental Assessment (September 2002) (2002 Final EIR) presents additional air quality impacts analysis and analysis of reduced intensity alternatives to the hotel and casino project proposed for the Shingle Springs Rancheria. This analysis responds to the decision of the Third District Court of Appeal (*County of El Dorado v. California Department of Transportation, et al. (2005) Case Nos. C046372 and C048141* (pet. for rev den. December 6, 2005, depublished February 8, 2006) (Decision) and the trial court's writ issued in response to the Court of Appeal decision (Writ). In that appeal, from a judgment of the Superior Court of Sacramento County upholding the 2002 Final EIR in all respects but one, the Court of Appeal held:

To be sufficient, the EIR will have to disclose and analyze what the interchange/hotel-casino's specific traffic-based ROG and NOx emissions (or estimates) are, what their contributions to the regional emissions budgets are, and whether these emissions and contributions are significant (for example, in comparison to other existing or planned projects within the transportation conformity analysis). The EIR must also consider and analyze the alternative, or alternatives, of a smaller hotel and casino complex.

Decision at 57-58.

Upon reviewing the Decision and the Writ, considering the technical analysis to be prepared and CEQA's requirements, and analyzing the various options available, Caltrans concluded that a Supplemental EIR is the appropriate environmental document to comply with the Writ and the Decision.

A Supplemental EIR is appropriate where changes are necessary to make an existing EIR adequately apply to the project in changed situation. (CEQA Guideline 15163) This Draft Supplemental EIR is prepared in compliance with the requirements of CEQA Guideline 15163, which states the following:

- (a) The lead or responsible agency may choose to prepare a supplement to an EIR rather than a subsequent EIR if:

- (1) Any of the conditions described in Section 15162 would require preparation of a subsequent EIR, and
  - (2) Only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation.
- (b) The supplement to the EIR need contain only the information necessary to make the previous EIR adequate for the project as revised.
- (c) A supplement to an EIR shall be given the same kind of notice and public review as is given to a draft EIR under Section 15087.
- (d) A supplement to an EIR may be circulated by itself without recirculating the previous draft or final EIR.
- (e) When the agency decides whether to approve the project, the decision-making body shall consider the previous EIR as revised by the supplemental EIR. A finding under Section 15091 shall be made for each significant effect shown in the previous EIR as revised.

The discussion following CEQA Guideline 15163 provides that:

[a] supplement to an EIR may be distinguished from a subsequent EIR by the following: a supplement augments a previously certified EIR to the extent necessary to address the conditions described in [Guideline] 15162 and to examine mitigation and project alternatives accordingly. It is intended to revise the previous EIR through supplementation. A subsequent EIR, in contrast, is a complete EIR which focuses on the conditions described in [Guideline] 15162.

A Supplemental EIR is appropriate here because the Decision and the Writ require additional analysis, but do not require revisions to any of the existing sections of the 2002 Final EIR. The additional analysis supplements the existing analysis, but does not supersede it. Accordingly, in the context of the approximately 1,200-page 2002 Final EIR, the additional analysis of project-specific traffic-related air quality impacts and on-site alternatives are within the bounds of Guideline 15163(a)(2). Therefore, a Supplemental EIR is appropriate here.

In preparing this Draft Supplemental EIR, Caltrans has referenced the 2002 Final EIR and has made use of that document and its supporting administrative record as necessary and appropriate. Because the 2002 Final EIR ultimately remained certified after the previous trial court and Court of Appeal proceedings, Caltrans is proposing only to recertify the two portions most recently set aside pursuant to the Writ. In addition, once it has received and responded to comments on the Draft Supplement, Caltrans may certify the Supplemental EIR if it determines that substantial evidence supports the required findings for certification.

## **1.2 INCORPORATION BY REFERENCE**

In accordance with CEQA Guideline 15150, this Draft Supplemental EIR incorporates the following by reference: Final Environmental Assessment: Shingle Springs Rancheria Hotel and Casino Project; El Dorado County, California (December, 2001) (2001 NIGC EA) and Notice of Finding of No Significant Impact: Proposed Shingle Springs Hotel and Casino Project (January 2002). These documents can be reviewed at the following addresses during normal business hours (8am to 5pm):

State of California, Department of Transportation  
2389 Gateway Oaks Drive, Suite 100  
Sacramento, California 95833

CEQA Guideline 15150(a) states that an EIR “may incorporate by reference all or portions of another document which is a matter of public record or is generally available to the public. Where all or part of another document is incorporated by reference, the incorporated language shall be considered to be set forth in full as part of the text of the EIR.” CEQA goes on to state that incorporated text shall be briefly summarized, and the entire document be made available for public review (CEQA Guidelines 15150(b) and (c)). As explained above, the 2001 NIGC EA and the Finding of No Significant Impact contain detailed environmental analysis of the proposed interchange and the proposed hotel/casino, in compliance with the requirements of the National Environmental Policy Act (NEPA). These documents concluded that these projects would not have significant environmental impacts after mitigation measures are imposed.

## **1.3 PUBLIC REVIEW**

In compliance with CEQA and the CEQA Guidelines, this Draft Supplemental EIR is being circulated for 45 days to local, state, and federal agencies and to interested organizations and individuals who may wish to review and comment on it. Pursuant to CEQA Guideline 15163(b), this Draft Supplemental EIR contains only the information necessary to make the

previous EIR adequate. In this instance, that information is precisely defined by the Decision and the Writ. The public can review this information at the address listed in Section 1.2.

Publication of this Draft Supplemental EIR marks the beginning of the 45-day public review period. During this review period, written comments will be received by Caltrans at the following address:

John Webb, Chief  
Office of Environmental Services – South  
Caltrans North Region  
2389 Gateway Oaks Drive, Suite 100  
Sacramento, CA 95833  
e-mail: john\_webb@dot.ca.gov

Caltrans will respond in writing to all comments received on the Draft Supplemental EIR during the 45-day public review period. Pursuant to CEQA Guideline 15088, comments received after the close of the 45-day public review period may not receive a response.

Caltrans provides that no person be excluded from participation or otherwise be subjected to discrimination under any program or activity administered by the Department (**Appendix A**).

## **1.4 SUPPLEMENTAL EIR CERTIFICATION**

The Draft Supplemental EIR, together with responses to comments on the Draft Supplement and any modifications or corrections made to the Draft Supplemental EIR in response to comments, will constitute the Final Supplemental EIR. Caltrans will then review the project, the Final Supplemental EIR, the 2002 Final EIR, and any public testimony or comments, and based on that information and all other substantial record evidence, will decide whether to certify the Final Supplemental EIR and approve the interchange project. As CEQA Guideline 15163(e) requires, Caltrans will make a finding for each potentially significant effect shown in the 2002 Final EIR as revised, as well as the Supplemental EIR.

## **1.5 SUPPLEMENTAL EIR ORGANIZATION**

The organization of this Draft Supplemental EIR mirrors the organization of the 2002 Final EIR. It is anticipated that readers may consider this Supplemental EIR together with the 2002 Final EIR. Accordingly, the chapters in this document are numbered to correspond to the 2002 Final EIR. Because of that, the numbering in this document may not be consecutive, as it was not necessary to supplement all portions of the 2002 Final EIR.

Two chapters follow: Chapter 4: Alternatives Considered, and Chapter 5: Environmental Setting, Impacts and Mitigation Measures. Chapter 4 provides background information on the reasons for addressing additional alternatives, as well as the details on two new alternatives: (1) Reduced Casino/Reduced Hotel Alternative (Alternative D), and (2) Reduced Casino/No Hotel Alternative (Alternative E). Chapter 5 includes an analysis of the impacts of Alternative D and E and a comparison of those impacts to the impacts of the interchange project and the hotel/casino project as described in the 2002 Final EIR and the 2001 NIGC EA, for each topical section included in Chapter 5 of the 2002 Final EIR. Chapter 5 also includes the supplemental air quality analysis of the traffic-based ozone precursor emissions resulting specifically from the proposed interchange project.